

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CURTIS BRANDON,  
Petitioner

V.

PHILIP JOHNSON, Superintendent,  
SCI-Pittsburgh; MICHAEL FISHER,  
Attorney General of Pennsylvania,  
and STEPHEN A. ZAPPALA, JR.,  
District Attorney of Allegheny County  
Respondents'

CIVIL ACTION NO. 00-1656

Judge Gustave Diamond/  
Magistrate Judge Sensenich

**FILED**

JAN 30 2006

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS PURSUANT FED.R.CIV.P. RULE 34

AND NOW, comes, CURTIS BRANDON, Petitioner, pro se, who files this said Motion For Production Of Documents pursuant to Fed.R.Civ.P. Rule 34 and, presents the facts in support thereto as the following:

A. FACTS

1. This Court asserted Respondents' provided their response to Petitioner by their proof of service on December 2, 2005. See this Court's "MEMORANDUM ORDER" at "p. 1 at n. 2," (1/19/2006). Petitioner never came into receipt of the Respondents' response (dkt. no. 63). Petitioner wrote Kim Uliany, SCI-Graterford's Mail Room Supervisor, and Sgt. White, SCI-Graterford's "C" Block Sergeant, requesting that they both check with the prison's Legal Mail Log to see if any legal mail was delivered at SCI-Graterford for Petitioner from the Respondents' and, both asserted SCI-Graterford does not keep any Legal Mail Log. See Kim Uliany and Sgt. White's responses to Petitioner's DC-135A INMATE'S REQUEST TO STAFF MEMBER as Petitioner's (Exhibit "A"). Therefore, Petitioner requests that this Court provide Petitioner with Respondents' response (dkt. no. 63), or in the alternative this Court order Respondents' to provide it to Petitioner. ¶

Respectfully submitted,

By: Curtis Brandon  
CURTIS BRANDON DV-2954  
Box 244  
Graterford, PA. 19426-0244  
Petitioner, pro se

Date: January 25, 2006

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Ms. Kim Ullisny, Mail Room Supervisor</u>		2. Date: <u>January 24, 2006</u>	
3. By: (Print Inmate Name and Number) <u>Mr. Curtis Brandon DV-2954</u>  <u>[Signature]</u> Inmate Signature		4. Counselor's Name <u>Sellers</u>	
6. Work Assignment <u>N/A</u>		5. Unit Manager's Name <u>Pallott</u>	
		7. Housing Assignment <u>CA-1078</u>	
8. Subject: State your request completely but briefly. Give details.  <u>Re: My Incoming Legal Mail For The Month Of December 2005</u>  <u>In regards to Civil Action No. 00-1656 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA, I received the judge's "Memorandum Order" of January 19, 2006 -- in which he asserted that "Stephen A. Zappala, Jr.; Paul R. Scholle, Office of the District Attorney, 401 Allegheny County Courthouse, Pittsburgh, Pa. 15219" -- allegedly mailed me their response to my Civil Action matter on December 2, 2005, but I never received it.</u>  <u>Therefore, I would like for you to check your legal mail log and, tell me whether or not if your mail room received any incoming legal mail for me during the month of December 2005 from "Stephen A. Zappala, Jr. or Paul R. Scholle, Esquire, from the Office of the District Attorney?</u>  <u>I thank you for your attention in this matter.</u>  <u>cc: File</u>			
9. Response: (This Section for Staff Response Only)			
<u>we do not keep a log of Regal mail. As per DC-ADM 803 privileged mail is open and inspected in your presence. There is no policy to keep a log.</u>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	


Staff Member Name

Print

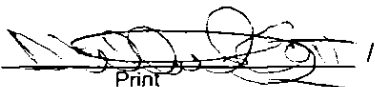
Sign

Date

1/25/06

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Sgt. White, "C" Block Sgt.</u>		2. Date: <u>January 25, 2006</u>	
3. By: (Print Inmate Name and Number) <u>Mr. Curtis Brandon DV-2954</u>  Inmate Signature		4. Counselor's Name <u>Sellers</u>	
6. Work Assignment <u>N/A</u>		5. Unit Manager's Name <u>Pallott</u>	
7. Housing Assignment <u>CA-1078</u>		8. Subject: State your request completely but briefly. Give details. <u>Re: My Incoming Legal Mail For The Month Of December 2005</u>	
<p><u>In regards to Civil Action No. 00-1656 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA, I received the judge's "MEMORANDUM ORDER" of January 19, 2006 -- in which he asserted that "Stephen A. Zappala, Jr.; Paul R. Scholle, Office of the District Attorney, 401 Allegheny County Courthouse, Pittsburgh, PA. 15219" -- allegedly mailed me their response to my Civil Action matter on December 2, 2005, but I never received it.</u></p> <p><u>Therefore, I would like for you to check with "C" Block's Legal Mail Log and, write down in this DC-135A form whether or not if any incoming legal mail was given to me for the month of December 2005 from either "Stephen A. Zappala, Jr., Esquire, or Paul R. Scholle, Esquire, or any one else from the office of the District Attorney?</u></p> <p><u>cc: File</u></p>			
9. Response: (This Section for Staff Response Only)			
<p><u>Block Legal mail is no longer handled by us! It is handled by the mail room and deposited @ DC. Therefore I put this to the mail room for a list of your activity. Case of King (Supervisor)</u></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

  
Print

Sign

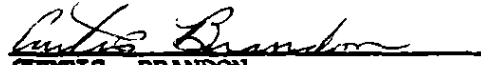
Date

1/25/06

CERTIFICATION OF SERVICE

I, CURTIS BRANDON, Petitioner, hereby certify that on January 25, 2006, I caused to be served a true and correct copy of the foregoing document entitled "PETITIONER'S MOTION FOR RECONSIDERATION OF PETITIONER'S FED.R.CIV.P. RULE 60(b)(1)(2)(3)(4) AND (6) MOTION " and "PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS PURSUANT FED.R.CIV.P. RULE 34" by depositing the same in the United States Mail, First-class, postage prepaid, to the person listed below as the following:

Office of the District Attorney  
Paul R. Scholla, Esquire  
County of Allegheny  
303 Courthouse  
Pittsburgh, PA. 15219-2489

  
CURTIS BRANDON  
Petitioner, pro se